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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,921	12/27/2005	Waldemar Lumma	DE 020295	6554

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Philips Electronics North America Corporation
Corporate Patent Counsel
P O Box 3001
Briarcliff Manor, NY 10510

EXAMINER

SANEI, MONA M

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/536,921	Applicant(s) LUMMA, WALDEMAR	
	Examiner Mona M. Sanei	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20050531</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

1. Claims 1-12 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s):

- Claim 1, lines 1-2; replace "shiftable (moveable)" with - -displaceable- -.
- Claim 4, line 2; replace "breaking" with - -braking- -.

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- Claim 6, line 3; replace "speed is below" with - -the speed is below- -.
- Claim 6, line 3; replace "speed is above" with - -the speed is above- -.

Claims 2-12 are objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, states "or shortly before this". However, it is indefinite as to what "this" is referring to. "This" may be referring to the speed below a predeterminable limiting value or the reaching the locking position. Since it is not clear as to what "this" is referring to, the claim has been rejected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-12 are rejected by virtue of their dependency.

3. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 9, line 2, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

Regarding Claim 10, line 2, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

Regarding Claim 11, line 2, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

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Regarding Claim 11, line 3, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

Regarding Claim 12, line 2, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

Regarding Claim 12, line 3, the phrase "can be" is indefinite insofar as it is unclear whether the limitations following the phrase are or are not part of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 7-10, and 12 are rejected under 35 U.S.C. 102(b) as being unpatentable over Pattee et al. (6,470,519).

Regarding Claim 1, Pattee discloses a system having at least one component (top, Col. 2, line 31; Fig. 1, #22) that is displaceable or pivotable along at least one traverse path (opposed directions, Col. 2, line 32; Fig. 1, #D1 and #D2) to at least one predeterminable locking position (position at which the table is moving below a threshold speed, Col. 2, lines 16-23), and having a control unit (processor, Col. 2, line 62; Fig. 1, #66) sensing a speed of the component (speed detector, Col. 2, line 47; Fig. 1, #40) when displaced or pivoted along the traverse path and for activating a braking means (Col. 2, lines 16-19) if the speed is below a predeterminable limiting value (threshold speed, Col. 2, line 18) and the component has reached the locking position.

Regarding Claim 2, Pattee discloses a system comprising a position-sensing unit (speed detector, Col. 2, line 47; Fig. 1, #40) connected to the control unit, for determining the position of the

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component relative to a locking position (potentiometer, Col. 2, line 49) and for calculating the speed of the component (processor, Col. 2, line 62; Fig. 1, #66).

Regarding Claim 4, Pattee et al. discloses a system in which the control unit is provided to control the braking means during the slow down of the component with respect to the component's speed and to the component's distance to the locking position (Col. 2, lines 15-23).

Regarding Claim 5, Pattee et al. discloses a system in which the at least one locking position is situated within a predeterminable window (the entire range of the table's movement; Fig. 1) of the traverse path and the speed of the component is sensed within this window.

Regarding Claim 7, Pattee et al. discloses a system having a visual display (output interface board, Col. 3, lines 4-5; Fig. 1, #60) for indicating an instantaneous location of the component relative to a locking position.

Regarding Claim 8, Pattee et al. necessarily discloses a system wherein the braking means is an electrical and/or electromechanical brake (Col. 3, lines 34-58).

Regarding Claims 9, Pattee et al. discloses a system in which the control unit has a microprocessor unit (microprocessor, Col. 2, line 62), and a memory in which at least one locking position is stored in the form of a distance from a point of reference (Col. 2, lines 19-21).

Regarding Claim 10, Pattee et al. discloses a system in which at least one position of the component that is selected by a user is stored as a locking position (Col. 2, lines 19-21).

Regarding Claim 12, Pattee discloses a device wherein the component is a table top that can be displaced and/or pivoted along a traverse path (top, Col. 2, line 31; Fig. 1, #22).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattee et al. as applied to Claims 2 and 5 above, and further in view of Blumhofer et al. (6,865,253).

Regarding Claims 3 and 6, Pattee et al. discloses all the characteristic features of the present invention as recited above. Pattee et al. further discloses generating a first signal when the speed is below the limiting value and a second signal when the speed is above the limiting value (Col. 2, line 66 to Col. 3, line 7).

However, Pattee et al. fails to disclose a system in which the position-sensing unit is provided to measure a distance by emitting an acoustic or optical signal and to receive the signal reflected from a point of reference.

Blumhofer et al. discloses a system in which a position-sensing unit (infrared tracking system, Col. 5, line 25; Figs. 1 and 4-7) is provided to measure a distance (Col. 5, lines 46-48) by emitting an acoustic or optical signal [(Col. 3, lines 11-19) and (Col. 5, lines 25-40)] and to receive the signal reflected (Col. 3, lines 11-19) from a point of reference (patient table, Col. 5, line 14; Figs. 1 and 4-7, #4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Pattee et al. by incorporating the feature(s) disclosed by Blumhofer et al., which is explained with motivation as follows.

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The tracking system of Blumhofer et al. and the potentiometer of Pattee et al. were art recognized equivalents at the time the invention was made since they are both used for sensing position and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

One would have been motivated to make this modification for a more accurate system (Col. 2, lines 20-22) as implied by Blumhofer et al.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pattee et al. as applied to Claim 1 above, and further in view of Maehama et al. (5,048,070).

Pattee et al. discloses all the characteristic features of the present invention as recited above.

However, Pattee et al. fails to disclose a system in which the component is a part of an X-ray stand that is displaced and/or pivoted along a traverse path.

Maehama et al. discloses a system in which the component is a part of an X-ray stand that is displaced and/or pivoted along a traverse path (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Pattee et al. by incorporating the feature(s) disclosed by Maehama et al.

One would have been motivated to make this modification in order to reduce time and labor involved in positioning (Col. 1, lines 36-40) as implied by Maehama et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mona M. Sanei whose telephone number is (571) 272-8657. The examiner can normally be reached on Monday through Friday, 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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X

Edward J. Glick
EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER